

REMARKS

Claims 1-13 are all the claims pending in the application.

New claims 12 and 13 have been added and claim 10 has been amended. Support for the new claims and the amendment to claim 10 can be found, for example, at pages 14-15 and Table 3-1 to 3-18 at pages 32-49 of the present specification.

Entry of the above amendments is respectfully requested.

The Examiner has crossed-out the references cited on the PTO/SB/08 A & B (modified) dated September 7, 2004 and indicated that the references were not provided.

On review of PAIR, it appears that the International Bureau did not forward copies of the references to the PTO. Therefore, Applicants submit herewith the references cited on the Form PTO/SB/08 A & B (modified) dated September 7, 2004 along with a copy of the Form PTO/SB/08 A & B (modified) for the Examiner's convenience. If any fee is needed to consider these references, please charge it to Deposit Account No. 19-4880.

I. Response to Rejection of Claims 1-10 under 35 U.S.C. § 112, second paragraph

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

A. The Examiner asserts that the term "may be substituted" for Y¹ and Y² in claim 1-10 is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicants respectfully traverse the rejection.

To meet the requirements of § 112, second paragraph, the claims must be sufficiently definite for one to reasonably determine their scope. MPEP § 706.03(d). As currently written, the limitations of claims 1-10 are believed to be definite. First, one of ordinary skill in the art would understand that "may be substituted" means that each of Y¹ and Y² is either substituted or unsubstituted. That is, for example, Y¹ is a substituted or unsubstituted alkyl group. Second, based on the specification, one of ordinary skill in the art would understand the meaning of "may be substituted," particularly from the tables setting forth examples of various compounds represented by formula (I) where Y¹ and/or Y² are either substituted or unsubstituted.

Therefore, it is respectfully submitted that one of skilled in the art would be apprised of the scope of the invention, and that the claims comply with §112, second paragraph.

In addition, new claim 13, which recite specific substituents of Y¹ and Y² has been added.

B. The Examiner asserts that the term "...Z is a single bond (i.e. the case that m and n are 0 in the formula (1)" is inconsistent among Z, m and n. X represents formulas containing m and n, and Z represents formulas with r.

Claim 10 has been amended to recite that both X and Z are single bonds. The amendment is supported by, for example, Tables 3-17 and 3-18 at pages 48-49 of the present specification.

In view of the above, it is respectfully submitted that the §112 rejection have been

overcome. Accordingly, withdrawal of the rejection is respectfully requested.

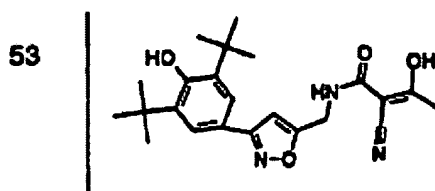
II. Response to the Rejection of Claims 1-2 under 35 U.S.C. § 102(a)

Claims 1-2 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Schwab et al., (WO 95/24397).

The Examiner cites Schwab as teaching a compound within the scope of claim 1, and directs Applicants' attention to compound 53 on page 55.

Applicants respectfully traverses the rejection.

Claim 1 excludes compounds, such as "(1) a compound in which X is a single bond (i.e. the case that each of m and n is 0 in the formula (1)) and Y¹ represents a 4-hydroxy-3,5-di-tert-butylphenyl group." Compound 53 of Schwab is a compound in which X is a single bond and Y¹ represents a 4-hydroxy-3,5-di-tert-butylphenyl group, as shown below.



Therefore, Schwab does not anticipate the present invention according to claims 1 or 2.

In view of the above, withdrawal of the rejection is respectfully requested.

III. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 1-13 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a

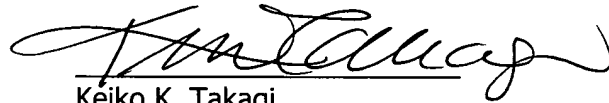
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/506,907

Attorney Docket No.: Q83226

personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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